IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8354 of 1996

Between:

Dr.Mrs. M.Vijaya Bharathi, W/o. M.David Prabhakar,Principal &
Correspondent, Stanley Degree College for Women, Chappel Road, Hyderabad,
R/o. Hyderabad.

..... PETITIONER

AND

1 Osmania University, rep.by it's Registrar,
University Campus, Hyderabad.
2 Stanley Degree College for Women, rep.by it's Manager,
Chappel Road, Hyderabad.
(Dismissed for default as per court order dt.11-4-2000.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Direction more particularly one in the nature of Writ or Direction more particularly one in the nature of Writ of certiorari by calling for the records relating to and connected with the Proc.No.836/H/1109/84/Acad., dt.9th April,1996 and quash the same holding it illegal , arbitrary and unconstitutional and also violative of Principles of Natural Justice and consequently declare that the appointment of the Petitioner as principal of the 2nd Respondent College has been deemed to have been approved by the University .

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

The Court made the following :

ORAL ORDER

This writ petition is filed seeking issuance of a Writ of Certiorari calling for the records relating to and connected with Proceedings No.836/H/1109/84 Acad., dated 09-04-1996 and to quash the same as arbitrary, illegal and also violative of the Principles of Natural Justice and consequently to declare the appointment of the petitioner as Principal of the 2nd respondent College as deemed to have been approved by the University.

It is the case of the petitioner that pursuant to the advertisement dated 20-05-1993 issued by the Stanley Degree College for Women, Hyderabad-2nd respondent, calling for applications for the post of Principal, she applied for the same along with the relevant certificates which are required by the 2nd respondent-college authorities. The requirement was 10 years of teaching experience as Lecturer from a recognized Degree College, securing of 55% of marks in either M.A/M.Com.,/M.Phil or any equivalent degree. Further, it was mentioned in the notification that preference would be given to the candidates possessing Ph.D. Further, it is the case of the petitioner that she possessed Ph.D. Later she was called for interview before the duly constituted Selection Committee consisting of Prof.K.V.Chalapathi Rao, University Representative, two subject experts, namely, Dr.Laxmi Reddy & Dr.Rama Melkote along with the Chairman of the Governing Council, Bishop James, Manager and Correspondent, Miss.Hemalatha Samuel, along with five management members, Mr.Israil Mark, Mr.D.P.Mithra, Rev. Elia Pradeep Dr.Anandam and Rev.Nithyanandam. The Selection Committee after verifying the documents and after a full-fledged interview informed her that she was selected as a Principal and she was appointed as such with effect from 03-12-1993. However, since, as per the Rules, the selection and appointment made by the committee requires the formal approval of the University, the same was sent for approval by the University. Since the approval was not given immediately she made a representation on 09-10-2004 and thereafter on 28-02-1996, but all these went in vain. However, on 09-04-1996, she received a communication from the respondent-University through proceedings No.836/H/1109/84/Acad, intimating as under::-

“ with reference to your letter cited, I am to inform you that your request to approve the appointment of Dr.Mrs.Vijaya Bharathi as Principal has not been agreed to.”

The same is under challenge in this writ petition.

Though no counter-affidavit is filed, the learned Standing Counsel for the 1st respondent-University Mr.Deepak Bhattacharge vehemently opposed the relief sought for in this writ petition and stated that the petitioner is not a qualified teacher since she did not get 55% marks in the relevant subject i.e., M.A. (Economics). On the other hand, the learned counsel for the petitioner submits that the impugned order does not reveal any such thing and further he asserted that the petitioner in fact, had secured 61% of marks in M.A. Education and prays the Court to allow the writ petition.

Perused the material papers on record and also heard the learned counsel on both sides.

At the outset, it may be noticed that condition No.2 of the advertisement published in "Indian Express" on 20-05-1993 shows that the candidates must possess at least M.A./M.Com. and M.Phil qualifications with not less than 55% or (B plus)of Osmania University, Hyderabad or equivalent thereto. Further, condition No.3 states that candidates with Ph.D will be preferred. There is no dispute as to the qualification possessed by the petitioner i.e., M.A (Education) with 61% and Ph.D apart from having 10 years of teaching experience as a lecturer. Once this is so, the rejection of approval of the appointment of the petitioner as recommended by the duly constituted Selection Committee seems to be unreasonable as the impugned order does not reveal any reasons except simply stating that the appointment of petitioner has not been agreed to. The said letter was addressed by the Registrar of the University and it does not refer to any resolution passed by the university authorities or any decision taken by the university authorities. Hence, I am of the considered opinion that the impugned proceedings are liable to be quashed.

Accordingly, the first respondent-University authorities are directed to consider the grant of approval of the appointment of the petitioner to the post of Principal from the date of her first appointment into the 2nd respondent College by taking into consideration of her experience as Principal of the college for nine years.

With the above observations, the writ petition is allowed. No order as to costs.

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C.V.RAMULU,J

7TH APRIL,2005

***TSNR**

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice

On this Thursday the Seventh day of April Two Thousand and Five.

To

1. The Registrar, Osmania University, Hyderabad.
2. The Correspondent, Stanley Degree College for Women, Hyderabad.
3. Two C.D.Copies.